RIGHT-TO-WORK LAWS

by

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DISCLOSURE by the Senate Select Committee on Improper Activities in the Labor or Management Field of numerous cases of bad conduct on the part of high labor union officials has set off a wave of anti-union sentiment without recent precedent. Notwithstanding action by the A.F.L.-C.I.O. to suspend or expel affiliated unions which do not clean house, Congress will be asked this winter to extend the range of federal supervision over union activities.

Abuse of welfare funds, undemocratic union election practices, and employer-union collusion are likely to be the chief targets of proposed federal curbs. Whatever the specific terms of measures put before the Congress, a principal purpose will be to assure rank-and-file members of labor unions a greater degree of control over the activities of their leaders.

Despite the threatened imposition of new restrictions by the federal government, labor leaders have indicated that their chief worry is the likelihood that the Senate rackets investigation will give a fresh push to passage of right-to-work laws in the states. These are statutes which prohibit labor-management agreements which require union membership as a condition of employment.

Labor's fears have been heightened by the decision of Sen. William F. Knowland (R.) to make advocacy of a right-to-work law in California a pillar of his campaign next year for the governorship of that state. Knowland is the most prominent political leader in recent years to initiate a right-to-work drive. His stand appears courageous to some persons, foolhardy to others. California's voters rejected a right-to-work law by about 400,000 votes in a 1944 referendum, and the state now leads all others in number of union members.[1]

[1] The total is estimated at 1.5 million.

Knowland's support of right-to-work laws is limited to state legislation. Sen. Barry M. Goldwater (R-Ariz.), on the other hand, has suggested that Congress enact the equivalent of a federal right-to-work law. Goldwater said, Oct. 23, that he would introduce a bill at the coming session to accomplish that purpose by repealing provisions of the Taft-Hartley Act and the Railway Labor Act which specifically authorize the union shop. It is generally agreed, however, that Congress is unlikely to place a total ban on what labor calls "union security provisions." Secretary of Labor Mitchell has repeatedly opposed right-to-work laws, state as well as federal. He said at a news conference, Nov. 8, that his stand against a national right-to-work law represented not only his own attitude but also that of the Eisenhower administration.

Extent of State Bans on Compulsory Unionism

What labor currently dreads is a repetition of events like those which occurred during the last period in which anti-union sentiment was on the upswing. In the first six months of 1947, while Congress was considering the measure which became the Taft-Hartley Act, no fewer than 14 states took preliminary or final action to put right-to-work laws on their statute books. Several other states followed suit in the ensuing decade, but a number also had second thoughts and repealed the right-to-work laws they had previously enacted. Statutory or constitutional provisions banning all forms of compulsory union membership now are in force in 18 states.

States Enacting Right-to-Work Legislation

Alabama	Louisiana †	So. Carolina
Arizona	Maine *	So. Dakota
Arkansas	Mississippi	Tennessee
Delaware *	Nebraska	Texas
Florida	Nevada	Utah
Georgia	New Hampshire *	Virginia
Indiana	No. Carolina	
Iowa	No. Dakota	

* Law repealed. † Original law replaced in 1956 by law limited to agricultural workers.

Ten of the present 18 right-to-work states are in the South, the others in the West and Middle West. With the possible exception of Indiana, none of the states banning the union shop is a major industrial state. Backers of right-to-work legislation consider passage last winter of the In-

diana law their major victory to date. The Kansas legislature agreed about the same time to submit a right-to-work constitutional amendment to that state's voters in November 1958, but no success attended attempts made this year or last year in eight other states to advance right-to-work proposals. Comparable bills were introduced in 13 state legislatures in 1955 but enacted only in Utah.

Virtually every state has been the scene of right-to-work drives or counter-drives during the past dozen years, and in virtually none can the issue be considered settled. Strong forces stand ready in every state to capitalize on any turn of events which may favor adoption or repeal of the controversial legislation. In upwards of a dozen states, it has been estimated, a slight change in sentiment would be sufficient to bring about reversal of the state's present position.

Taft-Hartley Act and State Right-to-Work Laws

Right-to-work laws prohibit inclusion in employer-employee contracts of provisions compelling union membership.[2] Historically, union security provisions have taken three principal forms:

Closed Shop. Employes must be members of the union at the time they are hired by the employer and must remain members while on that job.

Union Shop. Workers need not be union members when hired but must join the union within a specified time after hiring (usually 30 days) and must remain members during their periods of employment.

Maintenance of Membership. Workers who are union members when a union-management agreement is signed, and non-members who join the union later, must remain members of the union for the duration of the contract.

The Labor-Management Relations (Taft-Hartley Act) of 1947 reaffirmed the established federal policy of encouraging union organization. However, it limited union security agreements in several important respects: (1) Closed shop contracts in the area covered by the act were made illegal; (2) discharge of an employee under a union security arrangement was forbidden for any reason other than failure to pay union dues; and (3) the act made it clear in Section

[2] The Supreme Court sustained the constitutionality of state right-to-work laws in an opinion delivered by Justice Black in the case of Lincoln v. Northwestern, 335 U.S. 525 (1949). Justice Frankfurter, concurring, added a statement which may foreshadow future court handling of the issue: "The right of association, like any other right, carried to its extreme, encounters limiting principles. At the point where the mutual advantage of association demands too much individual disadvantage, a compromise must be struck. When that point has been reached—where the intersection should fall—is plainly a question within the special province of the legislature."

14(b) that nothing in the federal law was intended to prevent a state from enforcing more stringent restrictions on union security, such as those imposed by right-to-work laws.

The airline and railroad industries are the only ones affecting interstate commerce to which state right-to-work laws do not apply. A 1951 amendment to the Railway Labor Act legalized negotiation of union shop contracts in the air and rail transportation industries "notwithstanding any other provisions of . . . any law . . . of any state."[3] With this exception, the many proposals introduced in Congress since 1947 to soften or strengthen Section 14 (b) have made no progress.

Evolution of Right-to-Work Movement

THE EFFORT to establish the right-to-work principle through direct action by the states is unique in the present stage of the movement to outlaw union security provisions. In other forms the movement has had a long history. Attempts to prohibit union membership as a condition of employment are at least as old as attempts to compel it as a condition of employment. The closed shop appeared among the initial aims of some American unions. As early as 1794 shoemakers of Philadelphia forced employers to hire only union members.

Leading labor and management spokesmen openly debated the issue at the beginning of the present century. Samuel Gompers, long-time president of the A.F.L., declared in 1903 that it was "absurd to consent to or give assent to the organization of labor and deny the logical result—the union shop."[4] The National Association of Manufacturers, at its convention in New Orleans the same year, resolved: "No person should be refused employment or in any way discriminated against on account of membership or non-membership in any labor organization." Only the means of establishing this concept, not the concept itself, has changed with the times. Voters of the state of Washington, for example, turned down in 1956 an initiative

[3] The Supreme Court unanimously sustained the constitutionality of the 1951 amendment in deciding the case of Railway Employees' Department, A.F.L. *v.* Hanson, 351 U.S. 225 (1956).

[4] *American Federationist*, April 1905, p. 221.

petition which read: "The right of a person to seek, obtain, or retain employment shall not be denied or abridged because of membership in or non-membership in any labor organization."

Labor unions sought, throughout the first third of the 20th century, to win employer acceptance of union security provisions. Just as arduously, and with more success, business interests campaigned against contracts containing such provisions. Under banners like "Open Shop Movement" and "American Plan Movement" militant American corporations and employer associations warred nominally against all forms of union security, but actually, some assert, against unionism itself.

These and other efforts helped to produce by the end of the 1920s an extraordinary decline in union membership in almost all industries except building construction, clothing, and printing. The important mass production industries were virtually unorganized. Union membership, which generally picks up with prosperity, declined during the booming decade from more than five million in 1920 to little more than three and one-half million in 1929.

Union membership tumbled still further during the depression. By 1932, when the Norris-LaGuardia Act declared "yellow-dog" contracts unenforcible in the courts, the number of union members had fallen below three million.[5] Barely 20 per cent of all union members were covered by any form of union security. Failure of organized labor to hold its own by means of collective bargaining and use of the strike weapon led to abandonment of its traditional opposition to any dependence on government support. Instead, it actively sought the protection of federal law.

Federal Support of Union Security in Wagner Act

Section 7a of the National Industrial Recovery Act of 1933, strengthened in the process of enactment as a result of strong representations by A.F.L. President William Green, gave federal statutory recognition to the principle that "Employees shall have the right to organize and bargain collectively through representatives of their own choosing." This and related provisions were incorporated in the

[5] The yellow-dog contract had been used by business to frustrate union security attempts and undermine organizational efforts. It required an employee to swear that he did not belong to and would not join a union. Violation would result in automatic dismissal.

National Labor Relations (Wagner) Act of 1935. The latter act prohibited various "unfair labor practices" and specifically sanctioned the closed shop. It did so by providing that nothing in the act or in any other federal statute should "preclude an employer from making an agreement with a labor organization . . . to require as a condition of employment membership therein, if such labor organization is the representative of the employees . . . in the appropriate collective bargaining unit covered by such agreement when made." Sanction of the closed shop was later interpreted to cover the union shop and other union security agreements.

According to the Senate committee report on the Wagner measure, it was the intention of Congress, not to facilitate adoption of union security provisions, but only to protect the right to include such provisions in labor agreements. The report stated, however, that the act was not designed to make the closed shop legal in states where it might be considered illegal. In practice, the Wagner Act no doubt contributed to growth of public sympathy for compulsory union membership and to snowballing of labor-management contracts containing union security clauses. By the end of the Second World War, 75 per cent of employees represented by unions were covered by union security provisions.

Postwar Demand to Restrict the Power of Unions

World War II and its aftermath brought a rise of anti-union sentiment. Charges of extortion and corruption leveled against certain unions led, as early as 1944, to adoption of a constitutional amendment in Florida outlawing union security devices. Feeling against unions was pushed to its greatest height by the unprecedented number of major strikes which marked the first postwar year. Public opinion, which had been sympathetic to earlier activities of organized labor, began to demand new regulatory legislation.

After Republicans gained control of the Legislative Branch, Congress moved to curb to some degree the growing power of unions. The Taft-Hartley Act, while still sanctioning the union shop, outlawed the closed shop. By the time the new federal statute took effect on June 23, 1947, however, measures outlawing the union shop as well as other forms of compulsory unionism had already become effective in 12 states. Section 14(b) of the Taft-Hartley

Act confirmed and protected the right of the states to take such action.[6]

PRESSURE GROUP ACTIVITIES IN RIGHT-TO-WORK DRIVES

Information gathered by Congress on alleged malpractices of labor unions and labor officials has been employed by state legislators to strengthen arguments for right-to-work laws. Where such measures have been urged, labor troubles peculiar to a state or region and activities of leading pressure groups sometimes have influenced passage. *Business Week*, commenting Mar. 9 on Indiana's adoption of right-to-work legislation, said that two strikes, both attended by gunfire and personal injury, were "believed to have contributed to the unforeseen support for the right-to-work law campaign."

In the southern states, where most of the right-to-work measures are in force, the task of their advocates was made easier by the relatively weak position of organized labor. It is worthy of note that the movement to ban compulsory unionism has spread most readily in areas where the economy has rested largely on agriculture and small business.

Customarily, forces actively backing the measures are led by the state counterparts of the most powerful national business and farm groups. The supporters include the National Association of Manufacturers, the U.S. Chamber of Commerce, the Southern States Industrial Council, and the American Farm Bureau Federation.[7] Standing on the opposite side are virtually the whole of organized labor, the Farmers' Union, and various prominent liberal organizations.

Foes of right-to-work laws were heartened a year ago when their stand was endorsed by the influential National Council of Churches of Christ in the U.S.A. A statement, long in preparation and finally approved in July 1956 by the executive board of a division of the National Council, concluded in part: "It is [our] opinion that union membership as a basis of continued employment should be neither required nor forbidden by law: the decision should be left

[6] See "Closed Shop," *E.R.R.*, Vol. I 1949, pp. 161-162.

[7] An organization called the National Right-to-Work Committee, established two years ago with headquarters in Washington, D. C., serves as a source of supporting articles and other promotional material. Its motto is "Americans must have the right, but not be compelled, to join labor unions."

to agreement by management and labor through the processes of collective bargaining."

The impact which pressure group activities have had in any particular right-to-work campaign is difficult to assess. However, where a campaign has failed, organized labor has boasted of its role. The A.F.L.-C.I.O., for instance, believes that it contributed to repeal of the Louisiana right-to-work law by helping to elect legislators pledged to work to that end. Labor spokesmen have attributed the margin of difference between victory in the state of Washington, where a right-to-work initiative proposal was rejected, and defeat in Indiana, where a right-to-work law was enacted, to failure to mobilize support among non-labor forces in the latter state.

A study of the 1944 right-to-work movement in Florida concluded that manipulation of public opinion by special interest groups was decisive in winning voter approval of the constitutional amendment. A coalition of employer and farm groups spent four years working for the proposal. "The Farm Bureau neglected no opportunity to push for the amendment; it made a door-to-door canvass in the agricultural sections of the state; its publication exhorted members to vote and get others to vote." [8] The study asserted that exaggerated or false charges of union racketeering and vague intimations of Communist leanings were injected into the campaign to frighten voters.

Local Ordinances in California to Bar Union Shop

At least four California localities have adopted ordinances in recent months banning union security agreements. In each of the communities unions had pulled little weight but had lately been agitating for union shop agreements with employers. The first of the new ordinances became effective in Palm Springs, Cal., on Dec. 15, 1956, and was immediately attacked by the International Brotherhood of Electrical Workers on the ground that it invaded an area of jurisdiction properly occupied by the state. A temporary court injunction was issued to restrain the municipality from enforcing the ordinance.

A similar ordinance was struck down in San Benito County, and court tests are alive or pending in Tehama and Trinity counties. Where temporarily set back, however,

[8] John G. Shott, *How Right-to-Work Laws Are Passed: Florida Sets the Pattern* (Public Affairs Institute, 1956), p. 30.

localities have appealed court rulings and it is expected that subsequent appeals will eventually reach the U.S. Supreme Court. Lionel Richman, attorney for union forces in the Palm Springs case, has said that "If we finally lose the . . . case, there would be 30 ordinances in 30 days out here. It would be an impossible situation." [9]

Debate On the Right-to-Work Principle

ARGUMENTS for and against right-to-work legislation are numerous and complex and reflect wide differences of opinion on motives and results. The adversaries sometimes start out with similar facts or principles and come to opposite conclusions; at other times there is no head-on clash. To bolster its case before the public, each side has been able to muster not only the endorsement of powerful interest groups, but also the support of prominent statesmen, scholars, and clergymen and of traditions, court decisions, and history books.

Dispute Over the Term "Right to Work"

Opponents of a ban on the union shop assail the very label attached to measures to outlaw it. Labor contends that right-to-work laws protect no right and provide no work and should be renamed "right-to-wreck" laws. The unions argue that, whether viewed legally or morally, there can be no such thing as a right to work so long as there is no enforcible claim on the community for productive employment under decent conditions.

To the extent that opportunity exists to keep a job, labor spokesmen point out, it is the union rather than the employer that has fought for and won protections. They insist that such devices as seniority regulations, lay-off clauses, and terminal-leave pay provide infinitely more protection to the individual worker than a so-called right-to-work law. Union leaders contend, finally, that the forces which preach most eloquently in behalf of the individual's right to work are precisely the forces which have battled against legislative efforts to assure full employment.

Supporters of right-to-work legislation assert that its

[9] Quoted by *Wall Street Journal*, Oct. 11, 1957.

opponents have attacked the label by resort to the "straw man" technique. Right-to-work laws do not pretend to create work or confer the right to an actual job. "Right to Work in the American sense," one defender of such laws has said, "means that any worker, having the necessary qualifications, has the opportunity to seek work from whomever he wishes . . . without undue interference." [10]

Employer spokesmen deny that "right to work" is a false slogan. The phrase has been employed in this country in many Supreme Court decisions, including the decisions after the Civil War which invalidated legislation denying supporters of the Confederacy the right to engage in their professions. It was natural, backers of right-to-work laws say, that legislators opposed to compulsory unionism should settle upon a term long used to safeguard employment from undue encumbrance.

Compulsory Unionism and Individual Freedom

A major argument for right-to-work legislation is the contention that it protects individual freedom. The National Association of Manufacturers, for example, declared a few years ago in a leaflet on the topic: "The principle behind these laws is neither anti-union nor pro-union; it is one of the simple morals of freedom." The N.A.M. took the position that a person's right to choose which, if any, private associations he would support was guaranteed by the Ninth Amendment to the Constitution and protected against impairment through governmental action by the prohibitions of the First, Fifth, and Fourteenth amendments.[11]

"Camouflage compulsory unionism any way you will," one of its foes has written, "it is still slavery. It is a type of slavery to which no man who believes in freedom can submit and retain his self-respect. No arguments advanced in behalf of compulsory unionism can offset or outweigh this fact." [12] Having to become and remain a union member to get or hold a job, it is contended, confronts the worker with a yellow-dog contract in reverse.

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[10] Rev. Edward A. Keller, *The Case for Right-to-Work Laws: A Defense of Voluntary Unionism* (1956), p. 23.

[11] The Ninth Amendment states that "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." The First Amendment protects free speech; the Fifth guards against deprivation of liberty without due process of law; the Fourteenth prohibits infringement of various rights by state law.

[12] Thurman Sensing, *The Right to Work!* (pamphlet issued by Southern States Industrial Council).

Most supporters of right-to-work measures are quick to point out that they are opposed, not to the institution of unionism, but only to the misdeeds of certain unions or union officials. A past chairman of the National Right-to-Work Committee observed recently:

> The unions have done much to improve conditions, but they have grown rich and powerful and have attracted many men of questionable character and purpose who, in order to stay in power, must rely on compulsory unionism. . . . The only weapon the men have over the "Lords of Labor" is the right to stop paying dues if they are dissatisfied, without losing their jobs.[13]

According to opponents of compulsory unionism, freedom to be or not to be a union member, without threat of job loss, is not only desirable on its own merits; it also provides an "escape clause" which the worker can use as a weapon to keep union officials on their toes.

Labor usually tries to refute the freedom argument in two ways. First of all, its spokesmen concede that whenever men band together for mutual help and protection, each must sacrifice a measure of freedom. Joining a union does involve a loss, but not a serious one, of individual liberty:

> It is only the liberty to work for lower wages under the employer's conditions; it just adds one more liberty to the already large total possessed by the employer. In our modern industrial society, workers have relatively little freedom in the sense of eligible alternatives. The only freedom they have is the freedom to choose between being dominated by the employer or by fellow workers in the form of a union.[14]

Labor men point out that it is by majority vote of all workers affected that collective bargaining arrangements are established and a union bargaining agent selected. The A.F.L.-C.I.O. has observed that about four-fifths of existing collective bargaining agreements provide for some type of union security, usually a union shop. In union security elections conducted by the National Labor Relations Board between 1947 and 1951, moreover, nine-tenths of the worker ballots were cast in support of proposed union security provisions.[15]

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[13] N. Thorington, *New Right to Work Leader Familiar with Union Shops* (National Right-to-Work Committee pamphlet).

[14] Ernest De Cicco, "Employers, Unions and the 'Right to Work'," *New Leader*, Apr. 15, 1957, p. 13.

[15] Until amended in 1951, the Taft-Hartley Act prohibited inclusion of union security provisions in collective bargaining agreements unless approved by a majority of workers in secret balloting supervised by N.L.R.B. Union security was approved in 97 per cent of the 46,119 polls held on the question before the election requirement was eliminated as unnecessary.

To counter the contention that right-to-work laws enhance individual freedom, unions argue that such laws limit the freedom of unions as associations and also deprive employers of freedom to negotiate union security agreements with organized labor. Many employers actually favor union security clauses, it is maintained, for they have found them helpful in taking care of employee grievances and in reducing jurisdictional conflicts.

Controversy Over the Question of Free Riders

A major argument raised against right-to-work laws is that they are in the interest of the "free rider"—the non-union worker who accepts the benefits of union bargaining without paying union dues. Proponents of right-to-work laws concede that this is "probably the most convincing argument of those who advocate a union shop." They nevertheless note that there are thousands of voluntary associations whose activities benefit members and non-members alike. A veteran, for instance, should not be compelled to join or support the American Legion simply because he benefits from the Legion's legislative and other activities.

Spokesmen for labor, however, assert that unions differ from most other private associations. In the first place, they have become an integral and indispensable element in American economic life. In the second, federal law specifically requires a union, once it has been appointed bargaining agent by a majority of employees, to act as the exclusive delegate of all employees in the unit. Unlike other private associations, the union is obliged by law to perform direct services for members and non-members alike. It is therefore not unreasonable, union shop advocates say, to ask all workers in a unit to contribute financially to the joint enterprise.[16]

Advocates of right-to-work legislation admit the fact of exclusive bargaining responsibility, but undertake to minimize it by recalling that it was the unions themselves which insisted that collective bargaining agreements apply to both members and non-members—and for good reason. If an employer were free to prescribe non-uniform working rules and rates of pay, he could easily weaken and possibly destroy a union merely by giving employees who were not members of the union preferential wages and hours.

[16] Jerome L. Toner, "Right-to-Work Laws: Public Frauds," *Labor Law Journal*, March 1957.

Organized labor still steadfastly maintains that all arguments in behalf of free riders, if carried to their logical conclusion, spell destruction for the principle of collective bargaining. To jeopardize collective bargaining by encouraging "representation without taxation," it has been said, is to run the risk of upsetting the balance of power by which "our society has been able to refute the Marxist catastrophism which predicted disaster for a capitalist economy." [17]

LABOR-MANAGEMENT RECRIMINATIONS OVER MOTIVES

Almost every attack on right-to-work laws has challenged the motives and aims of supporters of the laws. Labor leaders say it would be astounding if the sponsors were motivated by a genuine concern for the rights and welfare of individual workers, for with few exceptions they are the forces which have opposed all liberal legislation from child labor limitations to social security. On the other hand, the labor spokesmen point out, the workers whose freedom to bargain individually has been relinquished rarely complain. The question of "right to work" seems to be raised most often by notoriously anti-union employers and by residents of rural areas not well versed in industrial problems.

The real aim of right-to-work laws, the A.F.L.-C.I.O. has alleged, is to undermine trade unionism. These measures "aim not to liberate workers from union bondage," Walter Reuther asserted recently, "but to make workers more easy victims of exploitation on the part of greedy employers." [18]

Opponents of right-to-work statutes admit that some union officials fail to live up to the trust reposed in them. But the sins of a few, they insist, provide no justification for bowing to forces that would roll back labor's hard-won gains. It is asserted that a built-in virtue of union security agreements is that they tend to make dissatisfied union members work within the organization to bring about changes in policy and leadership instead of simply dropping out of the union.[19]

The aim of right-to-work laws, their defenders rejoin, is to advance the best interests of the workingman, the right

[17] Reinhold Niebuhr, "Those 'Right to Work' Laws," *American Federationist*, February 1957, p. 14.

[18] Walter P. Reuther in address at U.A.W. convention on Apr. 7, 1957.

[19] George M. Leader, "Unions Must Be Secure," *American Federationist*, May 1957.

kind of unionism, and the welfare of the community as a whole. The leaders of a union in which membership is voluntary must be alert, honest, and constantly alive to the wants of the members. An effective and democratic union, it is asserted, has little need to compel membership; it can maintain strength and numbers by the value of its services. Voluntary unionism allows a union member to withdraw financial support from an organization whose leaders are unresponsive, autocratic, or corrupt, whereas compulsory unionism offers no way out of continuing to pay dues under such circumstances.

Right-to-work laws are said to benefit a community by demonstrating to outside industrialists that it offers a favorable climate for new enterprises. Ralph J. Cordiner, president of General Electric, told a Virginia audience last year that his corporation was interested in locating plants in the Old Dominion because of its right-to-work law. Cordiner was quoted as saying: "We believe we should go to the states that have right-to-work laws. That's where we feel we should invest our stockholders' money."

Advocates of right-to-work laws suggest that it is not their aims and motives, but those of union bosses, that should be held in question. As the U.S. Chamber of Commerce put it, it is clearly the aim of the latter "to gain, through compulsory unionism, complete control of all employees, and complete control of all jobs." [20]

Sen. Goldwater has carried the accusation a step farther. Addressing the Chamber's annual meeting last May, he warned that "Freedom is menaced today by those leaders of organized labor who have renounced their historic responsibility to their union members and established political power as the total objective of their organizations." When Goldwater announced last month that he would sponsor legislation in Congress to outlaw compulsory unionism, he said that "American laborers are perfectly willing to clean up their own house, but will be hamstrung in their efforts so long as compulsory unionism is part of the law of the land."

Impact of Right-to-Work Statutes in the States

Friends and foes of the right-to-work movement have produced a wealth of statistical data to bolster their re-

[20] U.S. Chamber of Commerce, *The Case for Voluntary Unionism* (March 1957), p. 8.

spective cases. By and large, however, each side has employed statistics on economic gains to refute the contentions of the other side rather than to provide proof positive of its own.

States which have lived with right-to-work laws long enough to have their effects demonstrated, supporters of the laws point out, have experienced rapid economic growth since adopting them. Even more significant, right-to-work states have shown greater economic gains and greater union membership gains over a comparable period than have non-right-to-work states. Citing official government sources in the main, a recent study offered the following statistical comparisons:

> Total personal income increased by 61 per cent in the right-to-work states, but by only 59 per cent in the other states, between 1947 and 1955.
>
> Average weekly wages showed a 19 per cent gain in right-to-work states, and an 18 per cent gain elsewhere, between 1952 and 1956.
>
> Retail sales rose 23 per cent more rapidly in right-to-work states than in other states from 1948 to 1956.
>
> Population showed a 21 per cent faster rate of increase in the right-to-work states from 1947 to 1956.
>
> Labor union membership increased, between 1939 and 1953, by an average of 192 per cent in the 13 states having right-to-work laws in 1953, and by an average of 188 per cent in the states without such laws.[21]

On the basis of these and other statistics, right-to-work proponents contend that the factual evidence makes it abundantly clear that both economic growth and union growth are taking place in right-to-work states at a relatively faster pace than in the remainder of the country.

Labor spokesmen do not confront these statistical findings head-on; they take different tacks in assailing them. First of all, they assert that where the level of living and the number of union members are relatively low to begin with, even small gains may appear deceptively impressive on paper. Looked at in absolute terms, they add, the right-to-work states are seen to be lagging behind the rest of the country. Walter Reuther pointed out at the U.A.W. convention last April: "In the 30 states without a right-to-work bill, the average of the state's average wages is $2.20 per hour. In the 18 states with a right-to-work law

[21] Missouri State Chamber of Commerce, *Right to Work Laws and Economic Growth* (Aug. 7, 1957).

the average is $1.78, or 42c less, not counting all the fringe benefits, pensions, vacation pay, night-shift bonuses."

A recent A.F.L.-C.I.O. fact sheet stated that total personal income in the nation as a whole rose 7 per cent between 1955 and 1956. Nineteen (60 per cent) of the 30 states without right-to-work laws equalled or bettered this national average, but only five (28 per cent) of the right-to-work states did the same. The C.I.O. had declared earlier that economic advances made by the less developed states depend, not on right-to-work laws, but on expansion of the whole national economy.[22]

[22] C.I.O., *The Case Against Right-to-Work Laws* (1954), pp. 135-171.